

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND SIX

PRESENT
THE HON'BLE SRI JUSTICE P.S.NARAYANA

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WRIT PETITION No.15560 of 2006

Between:

Smt.Suvarapu Nagaratnam.

..... PETITIONER

AND

**1.State Election Commission,
Rep. by its Secretary
3rd floor, Buddah Bhavan,
M.G.Road, Secunderabad,
and 2 others.**

.....RESPONDENTS

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THE HON'BLE SRI JUSTICE P.S.NARAYANA

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Writ Petition No.15560 of 2006

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ORDER:

Heard the learned Counsel for the parties.

This Writ Petition is filed seeking a Writ of
Mandamus declaring the action of the second

respondent-Revenue Divisional Officer, Palakonda, in blindly dismissing the appeal on fictitious ground vide orders in Rc.No.1166/06/C dt.22-07-2006, including the acceptance of nomination of the third respondent as illegal, arbitrary besides violation of the provisions of the Panchayat Raj Act, 1994 and consequently set aside the same.

The Petitioner and the third respondent filed their nominations to the post of Sarpanch of Bejji Gram Panchayat. The main grievance of the petitioner is that she raised an objection before the respondent-authorities that the third respondent is not qualified as she is of under age, but the same was not considered.

The learned Counsel for the petitioner would maintain that ample material was produced before the respondent-authorities to show that the third respondent has not completed 21 years of age as required under Sections 14 and 17 of the Panchayat Raj Act, 1994. Despite the same, the impugned order was passed by the second respondent.

It is needless to say that it is a disputed question of fact, which cannot be gone into by this Court at this

stage. However, the petitioner is having an efficacious alternative remedy of election petition. Liberty is given to the petitioner to approach the Election Tribunal, if she is so advised.

With the above observation, the Writ Petition is disposed of No order as to costs.

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31st

July, 2006

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